

AMENDED IN ASSEMBLY JUNE 11, 2008

AMENDED IN SENATE APRIL 22, 2008

AMENDED IN SENATE MARCH 24, 2008

SENATE BILL

No. 1437

Introduced by Senator Padilla
(Coauthors: Senators Romero, Simitian, and Torlakson)

February 21, 2008

An act to add and repeal Article 2 (commencing with Section 78910.10) of Chapter 7 of Part 48 of Division 7 of Title 3 of the Education Code, and to add and repeal Section 280.1 of the Public Utilities Code, relating to education technology.

LEGISLATIVE COUNSEL'S DIGEST

SB 1437, as amended, Padilla. Education technology: California Virtual Campus.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes various programs for the purpose of enhancing and implementing education technology to community college districts.

This bill would, pursuant to funding provided to the Board of Governors of the California Community Colleges, recognize the California Virtual Campus for specified purposes relating to education technology. The bill would require the California Virtual Campus to facilitate ongoing collaboration and joint efforts with other educational entities and community-based organizations. The bill would require the California Virtual Campus grant recipients to accomplish specified

objectives relating to online education. The bill would require the board of governors, by February 28, 2009, to require the California Virtual Campus to establish a memorandum of understanding with at least 10 community-based organizations, as specified, that provide residents in low-income neighborhoods with access to high-speed networking and computers. The bill would require that the 10 community-based organizations be selected by a 6-member committee convened by the California Virtual Campus. The bill would require the California Virtual Campus to ensure that pilot program participants have access to adequate technical and operational support. The bill would require, on or before July 1, 2013, the board to contract for an independent evaluation of, and submit a report, to, the Public Utilities Commission on the achievements of the California Virtual Campus' joint efforts with community-based organizations. The bill would ~~bind~~ *apply to* the University of California ~~only~~ to the extent that the Regents of the University of California, ~~by resolution, make it binding~~ *acting by appropriate resolution, make it applicable*. The bill would repeal these provisions of law on January 1, 2014.

(2) Existing law requires the Public Utilities Commission to develop, implement, and administer a program to advance universal service by providing discounted rates to qualifying schools, as specified. Existing law creates the California Teleconnect Fund Administrative Committee to advise the commission regarding the development, implementation, and administration of the program. Revenues collected by telephone corporations in rates authorized by the commission fund the program and are deposited in the California Teleconnect Fund Administrative Committee Fund.

This bill would include the California Community Colleges as qualifying schools for purposes of determining eligibility for the California Teleconnect Fund program. The bill would repeal these provisions on January 1, 2014, in the event that the Public Utilities Commission determines, on or before January 1, 2014, that the 10 pilot projects established under (1) have not successfully met specified requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 2 (commencing with Section 78910.10)
2 is added to Chapter 7 of Part 48 of Division 7 of Title 3 of the
3 Education Code, to read:

4
5 Article 2. California Virtual Campus
6

7 78910.10. (a) (1) The California Virtual Campus, pursuant to
8 funding provided to the Board of Governors of the California
9 Community Colleges in the annual Budget Act, is hereby
10 recognized and shall have all of the following purposes:

11 (A) To enrich formal and informal educational experiences and
12 improve students' academic performance by supporting the
13 development of highly engaging, research-based innovations in
14 teaching and learning in K-12 public schools and the California
15 Community Colleges, the California State University, and the
16 University of California.

17 (B) To enhance the awareness of, and access to, highly engaging
18 online courses of study, emphasizing courses of study that support
19 a diverse and highly skilled science, technology, engineering, and
20 mathematics workforce.

21 (C) To support education research, the implementation of
22 research-based practices, and promote economic development
23 through the use of next generation advanced network infrastructure,
24 services, and network technologies that enable collaboration and
25 resource sharing between formal and informal educators in K-12
26 public schools, the California Community Colleges, the California
27 State University, the University of California, independent colleges
28 and universities, public libraries, and community-based
29 organizations at locations across the state.

30 (D) To increase access to next generation Internet services, 21st
31 century workforce development programs, and e-government
32 services for students and staff served or employed by education
33 entities and students served primarily online through partnerships
34 with public libraries and community-based organizations.

35 (E) To enhance access to health care education and training
36 programs to current or future health care workers.

37 (F) To manage digital assets and develop contracts for services
38 necessary to provide the technical and management support needed

1 to maximize the benefits of the high-speed, high-bandwidth
2 network infrastructure available to public higher education entities
3 in California.

4 (G) Through the aggregation of demand for network enabled
5 technologies and related services from public education entities,
6 and through partnerships with the private sector, to provide
7 education entities with access to technical support and staff who
8 can facilitate statewide efforts that support innovations in teaching
9 and learning that are necessary to provide for a well-educated
10 citizenry, and economic and 21st century workforce development.

11 (2) To accomplish the purposes of paragraph (1), the California
12 Virtual Campus shall facilitate ongoing collaboration and joint
13 efforts among local educational agencies, the California
14 Community Colleges, the California State University, the
15 University of California, independent colleges and universities,
16 public libraries, and community-based organizations relating to
17 the use of technology resources and high-speed Internet
18 connectivity to support teaching, learning, workforce development,
19 and research.

20 (b) For purposes of this article, the following terms have the
21 following meanings:

22 (1) “Online courses of study” means any of the following:

23 (A) Online teaching, learning, and research resources, including,
24 but not necessarily limited to, books, course materials, video
25 materials, interactive lessons, tests, or software, the copyrights of
26 which have expired, or have been released with an intellectual
27 property license that permits their free use or repurposing by others
28 without the permission of the original authors or creators of the
29 learning materials or resources.

30 (B) Professional development opportunities for formal and
31 informal educators who desire to use the resources in subparagraph
32 (A).

33 (C) Online instruction.

34 (2) “Online instruction” means technology enabled online real
35 time (synchronous) interaction between the instructor and the
36 student, near time (asynchronous) interaction between the instructor
37 and the student, or any combination thereof.

38 (c) The California Virtual Campus grant recipient shall
39 accomplish all of the following:

(1) Convene at least four meetings annually with representatives from the State Department of Education and related programs administered through the department, local education agencies, the California Community Colleges, the California State University, the University of California, independent colleges and universities, the California State Library, and representatives from community-based organizations to coordinate and obtain assistance with the implementation of efforts delineated in this article, to identify and maintain an up-to-date list of the technology resources and tools that are necessary to support innovation in teaching and learning, and to identify opportunities for leveraging resources and expertise for meeting those needs in an efficient and cost-effective manner.

(2) Lead efforts to make online courses of study available across the state that include, but are not limited to, the following:

(A) Developing online courses of study that are pedagogically sound and fully accessible, in compliance with the federal Americans with Disabilities Act (Public Law 101-336), by students with varying learning styles and disabilities.

(B) Overseeing the development of at least 12 model online courses of study that, collectively, would allow students to meet the requirements of the Intersegmental General Education Transfer Curriculum (IGETC) and at least two courses that support basic skills education courses in English, English as a second language, or mathematics.

~~(C) Ensuring that courses of study or any portion thereof that are funded by the state are freely accessible to the entities listed in paragraph (1). The California Virtual Campus may allow courses of study funded by the state to be accessible to the general public if it determines that access would not inhibit its ability to provide appropriate protection of the state's intellectual property rights.~~

(C) Encouraging the entities listed in paragraph (1) to do both of the following:

(i) Make accessible to each other their courses of study that are funded by the state.

(ii) Allow their courses of study to be accessible to the general public if they determine access would not inhibit their ability to provide appropriate protection of the state's intellectual property rights.

(3) Ensure that the learning objects created as part of the California Virtual Campus online courses of study with state General Fund revenues are linked to digital content libraries that ~~serve as a single point of contact for~~ *include* information about course content freely available to California educators and students.

(4) Develop formal partnership agreements between the entities listed in paragraph (1) and the California Virtual Campus, including course articulation agreements that allow qualified high school students to accelerate the completion of requirements for a high school diploma and a two-year or four-year degree, agreements that allow students' transcripts to be aggregated and accessed through the California Virtual Campus, and agreements that provide opportunities for part-time faculty teaching online to obtain full-time employment teaching online.

(5) Develop formal partnership agreements with the entities listed in paragraph (1) and others to enhance access to professional development courses that introduce faculty, teachers, staff, and college course developers to the conceptual development, creation, and production methodologies that underlie the development of online courses of study and support students' successful completion of those courses. The professional development opportunities shall include, but not necessarily be limited to, all of the following:

(A) Addressing issues relating to copyright, permission for the use or reuse of material, use of resources in the public domain, and other intellectual property concepts.

(B) Accessibility for students with disabilities.

(C) Factors to ensure that content is culturally relevant to a diverse student body.

(D) Delivery options that incorporate multiple learning styles and strategies.

(6) Develop formal partnership agreements with entities, including, but not limited to, those listed in paragraph (1), to ensure access to online professional learning communities that incorporate the use of Internet-based collaboration tools and to support joint discussions between K-12 educators, higher education faculty and staff, and others to examine student performance data, student learning objectives, curriculum, and other issues that relate to students' academic success and preparation for the workforce.

(7) In partnership with entities, including those listed in paragraph (1), develop an e-portfolio system that allows enrolled

1 students to demonstrate their attainment of academic learning
2 objectives, skills and knowledge that relate to their career interests,
3 and completion of prerequisites for enrollment in courses or
4 training programs. The e-portfolio system shall do all of the
5 following:

6 (A) Ensure that student privacy is protected in accordance with
7 existing law.

8 (B) Comply with accessibility laws for students with disabilities.

9 (C) Be designed in a manner that supports the use of e-portfolio
10 content in the accreditation requirements of schools, colleges, and
11 universities.

12 (8) In partnership with entities, including those listed in
13 paragraph (1), identify opportunities to enhance students' access
14 to medical education and medical services through the use of
15 high-speed Internet connections to the campuses, and opportunities
16 for education programs and services to support the telemedicine
17 efforts taking place within the state.

18 (d) The board shall contract with an independent third party
19 with expertise in online teaching, learning, and the development
20 of online courses of study to evaluate the California Virtual
21 Campus. The evaluation shall include, but not be limited to, an
22 assessment of the number of faculty, teachers, consortia, informal
23 educators, and students that use the online courses of study, the
24 quality of students' experiences, student grades earned, and the
25 cost of the online course content, comparing the online course
26 content with traditional textbooks. The board may require
27 additional information that it determines to be necessary to evaluate
28 the effectiveness and viability of the California Virtual Campus.
29 This evaluation shall be submitted to the Legislature no later than
30 three years after funding has been provided to enable the California
31 Virtual Campus to develop and promote the availability of the
32 online courses of study.

33 78910.15. (a) By February 28, 2009, the board shall require
34 the California Virtual Campus to establish memorandums of
35 understanding with at least 10 community-based organizations
36 specified in paragraph (2) of subdivision (c) of Section 280.5 of
37 the Public Utilities Code, that provide residents in low-income
38 neighborhoods with access to high-speed networking and
39 computers. The memorandum of understanding shall document

1 the California Virtual Campus' commitment to do all of the
2 following:

3 (1) Provide high-speed network connectivity to the site.

4 (2) Provide access to online courses of study and tutoring
5 services.

6 (3) Work with the community-based organization and local
7 educational agencies to plan and promote joint educational
8 offerings that are delivered online and supported by the staff of a
9 community-based organization that can facilitate student use of
10 technology.

11 (b) The 10 community-based organizations shall be selected on
12 a competitive basis by a six-member selection committee convened
13 by the California Virtual Campus. Members of the selection
14 committee shall include:

15 (1) Two representatives of community-based organizations
16 appointed by the Chancellor of the California Community Colleges.

17 (2) One community college representative appointed by the
18 Chancellor of the California Community Colleges.

19 (3) One representative from a K-12 school district appointed
20 by the Superintendent of Public Instruction.

21 (4) One representative from the California State University
22 appointed by the Chancellor of the California State University
23 system.

24 (5) One representative appointed by the California Emerging
25 Technologies Fund Committee.

26 (c) The selection committee convened pursuant to subdivision
27 (b) shall ensure that no less than one community-based organization
28 is selected from each of the nine economic regions identified by
29 the California Economic Strategy Panel, and that all sites are
30 willing and able to support academic offerings as outlined in the
31 request for proposals.

32 (d) The California Virtual Campus shall ensure that pilot project
33 participants have access to adequate technical and operational
34 support from an individual or entity under contract with the
35 California Virtual Campus with expertise in the operation and
36 management of community-based organizations to enable the site
37 to successfully meet obligations set forth in the memorandum of
38 understanding.

39 (e) On or before July 1, 2013, the board shall contract for an
40 independent evaluation and shall submit a report to the Public

1 Utilities Commission, or its designee, that documents the extent
2 to which the California Virtual Campus' joint efforts with the 10
3 community-based organizations have achieved all of the following:

4 (1) Increased the range of offerings available at each site to
5 address the digital divide in accordance with subdivision (e) of
6 Section 280.5 of the Public Utilities Code.

7 (2) Provided for equity of access to high-speed communications
8 networks, the Internet, and other services that provide social
9 benefits in accordance with the legislative findings and declarations
10 contained in Section 871.7 of the Public Utilities Code, including,
11 but not necessarily limited to, all of the following:

12 (A) Improving the quality of life among the residents of
13 California.

14 (B) Expanding access to public and private resources for
15 education, training, and commerce.

16 (C) Increasing access to public resources enhancing public
17 health and safety.

18 (D) Assisting in bridging the digital divide through expanded
19 access to new technologies by low-income, disabled, or otherwise
20 disadvantaged Californians.

21 (E) Shifting traffic patterns by enabling telecommuting, thereby
22 helping to improve air quality in all areas of the state and mitigating
23 the need for highway expansion.

24 (3) Supported participation in online offerings provided by the
25 California Virtual Campus in accordance with Section 78910.10.

26 (f) In the event that the board determines that the joint efforts
27 of the California Virtual Campus and the community-based
28 organizations have been successful pursuant to subdivision (e),
29 the board shall submit a plan to the Legislature and the Governor
30 by January 1, 2015, which contains recommendations for
31 expanding the number of sites partnering with the California
32 Virtual Campus, conditions for expansion, and recommendations
33 for ways of addressing any potential funding requirements.

34 78910.20. (a) The California Virtual Campus shall form a
35 business advisory group that shall assist with the development of
36 a plan which outlines methods for the California Virtual Campus
37 and the entities listed in paragraph (1) of subdivision (c) of Section
38 78910.10 to work together to strengthen the preparation of a diverse
39 and highly skilled science, technology, engineering, and
40 mathematics workforce, and to address workforce shortages. The

1 plan shall identify existing resources and programs that will be
2 more accessible due to the use of network enabled technologies,
3 and methods that are effective due to the use of network enabled
4 technologies.

5 (b) By March 1, 2009, the California Virtual Campus shall
6 submit the plan developed in accordance with subdivision (a) to
7 the board, the Legislature, and the Governor.

8 ~~78910.25. This article shall bind the University of California~~
9 ~~only to the extent that the Regents of the University of California,~~
10 ~~by resolution, make it binding.~~

11 *78910.25. No provision of this article shall apply to the*
12 *University of California except to the extent that the Regents of*
13 *the University of California, by appropriate resolution, make the*
14 *provision applicable.*

15 78910.30. This article shall remain in effect until January 1,
16 2014, and as of that date is repealed, unless a later enacted statute,
17 that is enacted before January 1, 2014, deletes or extends that date.

18 SEC. 2. Section 280.1 is added to the Public Utilities Code, to
19 read:

20 280.1. (a) It is the intent of the Legislature that this section be
21 implemented by the commission upon a finding that barriers to
22 participation in the California Teleconnect Fund discounts for
23 community-based organizations have been removed.

24 (b) Notwithstanding any other provision of law, California
25 Community Colleges shall be deemed to be qualifying schools for
26 the purposes of determining eligibility for programs to advance
27 universal service pursuant to Section 280.

28 (c) Funds received pursuant to subdivision (b) and Section 280
29 shall supplement and not supplant funds provided in the annual
30 Budget Act for telecommunications, technology, and related
31 programs.

32 (d) In the event that the commission or its designee determines
33 on or before January 1, 2014, that the 10 pilot projects established
34 pursuant to Section 78910.15. of the Education Code have not
35 successfully met the requirements of that section, this section shall
36 be repealed on January 1, 2014.